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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,994	09/29/2003	Hikari Kawata	121027-200	2814

35684 7590 09/27/2005

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ANN ARBOR, MI 48104

EXAMINER

REICHLE, KARIN M

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,994

Applicant(s)

KAWATA ET AL.

Examiner

Karin M. Reichle

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9-29-03&6/7/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Specification******Drawings***

1. The drawings are objected to because the guide 1 shown in Figure 3, specifically the connection between the strips 2 and piece 6, is not the same as that in the other Figures, i.e. is there more than one embodiment? Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Description

2. The abstract of the disclosure is objected to because terminology which can be inferred, i.e. "Here is disclosed", and legal terminology, i.e. "comprises", should be avoided. Also, lines 3-5, as counted, appear to be missing a word or words. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: as discussed supra, the guide in Figure 3 and that shown in Figures 1 and 2 are different. Are there different embodiments? Note page 5, lines 5-7. A complete consistent description of the guide in the Figures should be set forth.

Appropriate correction is required.

Claim Objections

4. Claims 8-9 are objected to because of the following informalities: in claim 8, line 3, "the", last, should be --a--. Claim 9 depends from claim 1. However, the preamble of claim 9 is inconsistent with that of claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On lines 4-6, as counted, it is unclear what structure is required at a minimum? Strips each having a longitudinal and transverse dimension only or something else? Also it is unclear whether the connecting region is required to connect the end portions of the strip, i.e. “connecting region”, or merely have the capability of doing so, i.e. “adapted to...strips”. In claim 5, which depends from claim 1, a positive structural antecedent basis for “said hydrophobic fibers” should be set forth.

Claim Language Interpretation

6. Due to the lack of clarity set forth supra, claim 1 is interpreted to include, at a minimum, strips having longitudinal and transverse dimensions and a sheet-like region having the capability of being connected to the strips. “Attach”, “connect”, “join” and derivatives thereof are interpreted according to their usual meaning, i.e. can be direct or indirect. Claims 7 and 8, lines 2 et seq of each set forth function, capabilities or properties of the adhesive which is claimed, i.e. they do not claim the article or body.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahr '585.

In regard to claims 1-5 and 9, see Claim Language Interpretation section supra and Ahr at the Figures and col. 6, line 54-col. 9, line 3, col. 9, lines 25-28, col. 9, line 45-col. 10, line 63 and col. 12, lines 1-27, i.e. Ahr teaches a urine guiding structure having longitudinal and transverse directions which includes a plurality of ribbon like strips, e.g. braided structures 44A-C which can be flat, having or arranged in longitudinal and transverse dimensions or directions and proximal and distal end portions and a sheet-like connecting region, e.g. any or all of the other sheet members of the article 20, e.g. core 42, which is interconnected directly or indirectly, see, e.g., col. 8, lines 24-55 and col. 10, lines 47-58 of Ahr, to the proximal end portions of the strips. Urine discharged on the strips is guided longitudinally along the strips, i.e. between the ends. The strips comprise fibers oriented in the longitudinal direction which are hydrophobic or both hydrophobic and hydrophilic and the strips and connecting region are combined with a body fluid absorbent wearing article, e.g. can serve as a portion, e.g. the topsheet, of such an article or the entire article 20 including such guide can be an insert or booster for such a body fluid absorbent wearing article.

With regard to claim 6, see col. 8, lines 24-55 and col. 10, lines 30-63, i.e. any or all of the sheet members of 20 are coated directly or indirectly on one surface thereof with an adhesive.

With regard to claim 7, the adhesive disclosed by Ahr can be a permanent adhesive attaching the connecting region directly or indirectly to the inner surface of the article, e.g. the sheet or sheets of 20 forming the connecting region to the remainder, including an inner surface thereof, of combination 20. It is noted that the inner surface of the article is not required to be the innermost or some specific inner surface, just a inner surface.

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With regard to claim 8, the adhesive can be an adhesive which is capable of detachably attaching to one of an inner surface of a body fluid absorbent article and the body of a wearer such as adhesive 50 which is disclosed as detachably attaching the article to an undergarment, and thereby, though indirectly, to the body of the wearer. Alternatively, the Ahr reference teaches an adhesive capable of detachably attaching to an undergarment. Therefore, at the very least there is sufficient factual evidence for one to conclude that such adhesive is also inherently capable of so attaching to the inner surface of a body fluid absorbent wearing article, see MPEP 2112.01.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other cited but not applied references also teach exudates transfer members.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

K.M. Reichle
Karin M. Reichle
Primary Examiner
Art Unit 3761

KMR
September 21, 2005